



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 500
DENVER, CO 80202-2466

SDMS Document ID



2029706

Ref: 8TMS-G

JUL 14 2003

Marvene Seaman, Project Officer
Army Corps of Engineers
Omaha District HTRW CX
12565 West Center Road
Omaha, NE 68144-3869

Re: IAG#DW9695389001-0

Dear Ms. Seaman:

Enclosed are two (2) copies of a NEW Interagency Agreement (IAG) between the United States Environmental Protection Agency (EPA), Region VIII, and the Army Corps of Engineers. The amount of this award is \$3,500,000 for Vasquez I70, OU1, Non-Time Critical Removal Action, Denver, CO.

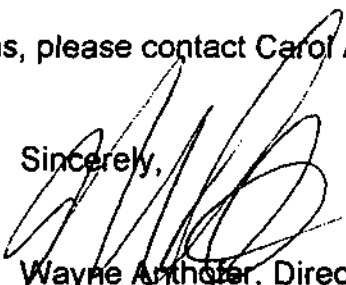
Please sign and date line 33 on both copies of the enclosed EPA Form 1610-1. Retain one copy for your files and, within three (3) weeks, return the remaining EPA signed copy of the agreement to:

Carol A. O'Donnell, Grants Specialist
U. S. Environmental Protection Agency
Grants, Audit and Procurement Program Office
999 18th Street, Suite 300, 8TMS-G
Denver, CO 80202-2466

Note that this IAG must be signed before 7/18/03, and that no expenses can be incurred before this date.

If you have any administrative questions, please contact Carol A. O'Donnell at (303) 312-6824.

Sincerely,


Wayne Anthofer, Director
Grants, Audit and Procurement
Program Office

Enclosures

cc: Victor Ketellapper, 8EPR-SR
Cheryl Pressley, 8TMS-F



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United States Environmental
Protection Agency
Washington, DC 20460

Interagency Agreement

Amendment

Part 1 - General Information

1. EPA IAG Identification Number
DW-96-95389001 - 0

4. Funding Location by Region
EPA R8

2. Other Agency IAG ID Number

5. Program Office
Abbreviation
Region 8

3. Type of Action

New

6. Name and Address of EPA Organization

US Environmental Protection Agency
Ecosystems Protection & Remediation
999 18th Street, Suite 300; 8EPR-SR
Denver, CO 80202-2466
DUNS: 029128894

7. Name and Address of Other Agency

Corps of Engineers-Omaha District HTRW CX
12565 West Center Road
Omaha, NE 68144-3869

DUNS:

8. Project Title and Description

Vasquez I-70, OU1, Non-Time Critical Removal Action; Denver, CO
Non-Time Critical Removal Action

9. EPA Project Officer (Name, Address, Phone Number)

Victor Ketellapper
999 18th Street, Suite 300
Denver, CO 80202-2466
303-312-6578

10. Other Agency Project Officer (Name, Address, Phone Number)

Marvene Seaman
12565 West Center Road
Omaha, NE 68144-3869
402-697-2425

11. Project Period

07/18/2003 to 09/30/2004

12. Budget Period

07/18/2003 to 09/30/2004

13. Scope of Work

See Attachment A.

EPA Grants Specialist for this IAG is Carol Odonnell 303-312-6824

14. Statutory Authority for Both Transfer of Funds and Project Activities

CERCLA: Secs. 105(a)(4) & 115; Executive Order 12580 as amended

15. Other Agency Type
Federal Agency

Funds	Previous Amount	Amount This Action	Amended Total
16. EPA Amount		\$3,500,000	\$3,500,000
17. EPA In-Kind Amount			\$0
18. Other Agency Amount			\$0
19. Other Agency In-Kind Amt.			\$0
20. Total Project Cost		\$3,500,000	\$3,500,000

21. Fiscal

Site Name	DCN	FY	Approp.	Budget Org.	PRC	Object	Site/Project	Cost Org.	Obligation
	LRA016	03	TC	8ALOR	50102D	2507	089RRV01	C004	3,500,000
									3,500,000

**Statement of Work
Non-Time Critical Removal Action
Vasquez Boulevard/Interstate 70 Superfund Site Operable Unit 1
Denver, CO**

July 9, 2003

Introduction

This Statement of Work is for the implementation of the Non-Time Critical Removal Action requiring removal and replacement of lead and arsenic contaminated residential soils which have been found to have concentrations above the action levels within Operable Unit 1 (OU1) of the Vasquez Boulevard/Interstate 70 Superfund Site (VB/I70 Site).

The VB/I70 Site covers an area of approximately four square miles in north-central Denver, Colorado. For the purpose of investigation and remediation, the site has been divided into three operable units. The residential soils discussed in this Statement of Work are known as OU1. The locations of the former Omaha & Grant Smelter and Argo Smelter are identified as On-Facility Soils OU2 and OU3, respectively. OU1 is composed of a number of the City of Denver neighborhoods that are largely residential, including Swansea/Elyria, Clayton, Cole and portions of Globeville. Approximately 4,000 residential properties are located within OU1.

Extensive soil sampling of the majority of the residential areas was conducted during the Remedial Investigation. Data from the Remedial Investigation was used to calculate arsenic and lead exposure concentrations for each yard. These exposure concentrations were compared with the residential soil removal action levels established by USEPA in the Non-Time Critical Removal Action Memorandum of 240 mg/Kg for arsenic and 540 mg/Kg for lead. This comparison identified 141 properties with yard soils concentrations which equaled or exceeded the action levels. This Statement of Work is to complete soil removal and replacement at these 141 residential properties.

Work to be Performed

This section describes the tasks necessary to implement the soil removal and replacement Removal Action at the 141 residential properties that exceed the action levels at the VB/I70 Superfund Site. EPA will provide a list of the addresses of the properties to be addressed in this removal action.

The work will be completed in accordance with all aspects of the Non-Time Critical Removal Action Work Plan for OU1 for the VB/I70 Superfund Site dated March 2003. The Army Corps of Engineers will be responsible for all contracting, construction management, and contractor

oversight required to implement this project. In particular, the Army Corps of Engineers will complete the following tasks:

1. Access Agreements and Property Owner Authorization
2. Property Specific Design
3. Supplemental Sampling
4. Soil Removal
5. Soil Transportation and Disposal
6. Backfill and Restoration of Excavated Areas
7. Post Construction Maintenance
8. Follow-Up Activities

These activities are described in detail in the Non-Time Critical Removal Action work plan.

In addition, the Army Corps of Engineers will provide weekly progress reports, monthly reports and a Construction Completion Report. Weekly progress reports will be submitted to the EPA Remedial Project Manager every Tuesday during the construction phase of this project. Weekly progress reports will include an updated project schedule including the details of the project of each residence and an estimate of project costs.

Monthly reports will be prepared throughout the project. Monthly reports will summarize the construction activities performed during the period, including construction progress, field design changes, as-built site remediation maps for properties completed during the period, and project costs.

The Construction Completion Report will summarize all construction activities completed during the project including the as-built site remediation maps and access agreements for each property.

Part II - Approved Budget		EPA IAG Identification Number DW-96-95389001 - 0
22. Budget Categories	Itemization of This Action	Itemization of Total Project Estimated Cost to Date
(a) Personnel	\$81,700	\$81,700
(b) Fringe Benefits	\$45,000	\$45,000
(c) Travel	\$33,000	\$33,000
(d) Equipment	\$0	\$0
(e) Supplies	\$0	\$0
(f) Procurement / Assistance	\$3,230,300	\$3,230,300
(g) Construction		\$0
(h) Other	\$0	\$0
(i) Total Direct Charges	\$3,390,000	\$3,390,000
(j) Indirect Costs: Rate 86.81% Base \$126,700.00	\$110,000	\$110,000
(k) Total (EPA Share 100.00 %) (Other Agency Share 0.00 %)	\$3,500,000	\$3,500,000
23. Is equipment authorized to be furnished by EPA or leased, purchased, or rented with EPA funds? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Identify all equipment costing \$1,000 or more)		
24. Are any of these funds being used on extramural agreements? (See item 22f.) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Type of Extramural Agreement <input type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input checked="" type="checkbox"/> Procurement		
Contractor/Recipient Name (if known)	Total Extramural Amount Under This Project	Percent Funded by EPA (if known)
Unknown	3230300 Total \$ 3,230,300.00	100
Part III - Funding Methods and Billing Instructions		
25. (Note: EPA Agency Location Code (ALC) - 68010727)		
<input checked="" type="checkbox"/> Disbursement Agreement <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Repayment <input type="checkbox"/> Advance </div> <div> Request for repayment of actual costs must be itemized on SF 1080 and submitted to the Financial Management Office, Cincinnati, OH 45268-7002: <input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Upon Completion of Work Only available for use by Federal agencies on working capital fund or with appropriate justification of need for this type of payment method. Unexpended funds at completion of work will be returned to EPA. Quarterly cost reports will be forwarded to the Financial Management Center, EPA, Cincinnati, OH 45268-7002. Used to transfer obligational authority or transfer of function between Federal agencies. Must receive prior approval by the Office of Comptroller, Budget Division, Budget Formulation and Control Branch, EPA Hdqtrs. Forward appropriate reports to the Financial Reports and Analysis Branch, Financial Management Division, PM-226F, EPA, Washington, DC 20460. </div> </div>		
<input type="checkbox"/> Allocation Transfer-Out		
26.		
<input type="checkbox"/> Reimbursement Agreement <input type="checkbox"/> Repayment <input type="checkbox"/> Advance <input type="checkbox"/> Allocation Transfer-In		
Funding Agency's Treasury Symbol <input type="checkbox"/> One-Year <input type="checkbox"/> Two-Year <input checked="" type="checkbox"/> No-Year		
Other Agency's IAG Identification Number		EPA Program Office Allowance Holder/Resp. Center No.
Other Agency's Billing Address (include ALC or Station Symbol Number)		Other Agency's Billing Instructions and Frequency

Part IV - Acceptance Conditions

EPA Identification Number

DW-96-95389001 - 0

27. General Conditions

The other agency covenants and agrees that it will expeditiously initiate and complete the project for which funds have been awarded under this agreement.

28. Special Conditions (Attach additional sheets if needed)**Part V - Offer and Acceptance**

Note: 1) For Disbursement actions, the agreement/amendment must be signed by the other agency official in duplicate and one original returned to the Grants Administration Division for Headquarters agreements or to the appropriate EPA Regional IAG administration office within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. The agreement/amendment must be forwarded to the address cited in item 29 after acceptance signature.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time may result in the withdrawal of offer by EPA. Any change to the agreement/amendment by the other agency subsequent to the document being signed by the EPA Action Official, which the Action Official determines to materially alter the agreement/amendment, shall void the agreement/amendment.

2) For Reimbursement actions, the other agency will initiate the action and forward two original agreements/amendments to the appropriate EPA program office for signature. The agreements/amendments will then be forwarded to the appropriate EPA IAG administration office for acceptance signature on behalf of the EPA. One original copy will be returned to the other agency after acceptance.

EPA IAG Administration Office (for administrative assistance)

EPA Program Office (for technical assistance)

29. Organization/Address

US EPA R8

999 18th Street; Suite 300; 8EPR-SR
Denver, CO 80202-2466

30. Organization/Address

US Environmental Protection Agency
Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Certification

All signers certify that the statements made on this form and all attachments thereto are true, accurate, and complete. Signers acknowledge that any knowingly false or misleading statements may be punishable by fine or imprisonment or both under applicable law.

Decision Official on Behalf of the Environment Protection Agency Program Office

31. Signature

Typed Name and Title

Max H. Dodson, Assistant Regional Administrator

Date

JUL 14 2003

Action on Behalf of the Environment Protection Agency

32. Signature

Typed Name and Title

Wayne Anthofer, Director

Date

JUL 14 2003

Authorizing Official on Behalf of the Other Agency

33. Signature

Typed Name and Title

Carol Berger, Budget Analyst

Date

IAG Terms and Conditions

Recipient agrees to meet the site-specific financial management and record keeping responsibilities contained in EPA's "Superfund Financial Management and Record keeping Guidance for Federal Agencies" (January 1989).

1. Cost Documentation Requirements

EPA, acting as a manager of the Hazardous Substances Superfund, requires current information on CERCLA response actions and related obligations of CERCLA funds for these actions. In addition, CERCLA, as amended, authorized EPA to recover from responsible parties all government costs incurred during a response action. In order to help assure oversight and successful recovery of CERCLA funds, both Recipient and EPA have responsibilities under this agreement. Recipient accounting system reports must be supported by site- and activity-specific cost documentation. Recipient will organize and retain in site file(s) documentation of costs by site and activity (e. g. vouchers, billing statements, evidence of payment, audit reports) as follows:

a. Direct Costs

Payroll - time sheets or time cards to support hours charged to a particular site, including the signature of the employee and/or the employee's supervisor. However, any subsequent revisions to the time sheets must be signed by both the employee and the employee's supervisor.

Travel - travel authorizations (including purpose of trip), local travel vouchers, traveler's reimbursement vouchers, carrier bills (including airline tickets), government owned vehicle bills, appropriate receipts for hotels, car rental, etc., proof of payment. Proof of payment is satisfied by providing a copy of the accomplished SF 1166 "Voucher and Schedule of Payment" or equivalent.

Contractor services - copies of contracts, requests for proposals (RFPs), detailed evaluation of contractor bids, contractor invoices, Recipient project officer approval of invoices, proof of payment. Proof of payment is satisfied by providing a copy of the accomplished SF 1166 or equivalent.

Supplies and Equipment - EPA authorization to purchase non-expendable property of \$1000 or more, vendor invoices, proof of payment, and hourly records of equipment use, when applicable.

Any other direct costs not included in the above categories.

b. Indirect Costs

The Recipient certifies (1) that any indirect costs included in billing EPA represent, in accordance with GAO principles, indirect costs that are funded out of the performing agency's currently available appropriations and that bear a significant relationship to the performing of the services of work, or (2) that statutory authority exists for charging other than these costs for performance. If an audit determines that any direct or indirect costs changed following the resolution of the audit and EPA will be credited for those costs.

2. Reporting Requirements

a. Recipient will provide monthly progress reports to the EPA Regional Project Officer containing:

Site name, site ID number, and IAG number

Summary of work performed this period

Estimate of the percentage of project completed

Accounting of funds expended during the reporting period and on the project to date, which includes budget category cost breakdown (See Item 22, page 2)

Summaries of all problems or potential problems encountered during the reporting period

Projected work for the next reporting period.

b. Recipient will provide the EPA Financial Management Center, Cincinnati, with a summary of OPAC transactions quarterly containing, as appropriate, Recipient costs by budget category (See Item 22, page 2) identified by the site, site-specific account number, and IAG number.

c. Recipient will provide a final inventory of property, within 30 days of project completion, describing the condition of each item and requesting disposition instructions. If the duration of the project is greater than one year, Recipient will provide an annual inventory of all property acquired by or furnished to Recipient with EPA funds.

3. Cost Recovery

In the event of a contemplated cost recovery action, Recipient will provide to EPA or the Department of Justice (DOJ) a cost documentation package detailing site-specific costs and including copies of the backup documentation. In some cases, these requests from EPA or DOJ may require that this documentation be provided in less than 30 days. If additional time is required to comply with a request, Recipient will negotiate with EPA or DOJ a schedule for responding. Recipient will provide EPA with a contact for obtaining necessary site-specific accounting information and documentation.

4. Record Retention Requirements

Recipient and its contractors will retain the documents described in these Terms and Conditions for a minimum of 10 years after transmission of a final OPAC billing for a site or sites, after which Recipient and its contractors must obtain written permission from the appropriate Regional Award Official before disposing of any of the records.

5. Audits

a. Certain agencies are required by CERCLA, as amended, to perform annual audits of transactions involving Superfund. The Recipient may also be required to perform annual audits. Cost documentation information must be available for audit or verification upon request of the DOI Inspector General.

b. If an audit determines that any direct or indirect costs charged to EPA are unallowable, EPA will be notified by Recipient immediately following the resolution of the audit and be credited with those costs.

6. Other EPA Involvement

a. EPA's substantial involvement in this IAG will include reimbursement to **Recipient**, through the U. S. Treasury Department's Government On-Line Accounting Link System (GOALS), featuring on-line payment and collections (OPAC). At the same time that reimbursement is made, **Recipient** sends requests for reimbursement to the authorized representatives of the EPA regional program office and the EPA regional IAG administration office (if applicable) for approval. Approvals of these requests are based upon receipt and approval by the EPA regional program office of the monthly progress report and any other technical reports described in the Scope of Work. If there are any adjustments to the amount paid to **Recipient**, the regional program office contacts the EPA Financial Management Center, Cincinnati.

b. EPA will hold title to all property acquired with Superfund monies. EPA will provide **Recipient** with property disposal instructions upon termination of the IAG and receive fair-market value for any property disposed of or used for non-Superfund activities.

7. The **Recipient** agrees to submit a report to EPA showing the total amount of procurement dollars awarded and the amount and percentage of such funds awarded to MBEs and WBEs on forms 6005-3 and 6005-3a by December 15th of the current year. Reports should be submitted to:

Office of Small Disadvantaged Business Utilization
U. S. Environmental Protection Agency
401 M Street, S.W. (Mailcode: 1230)
Washington, D.C. 20460